

1. The parties, Plaintiff and Counterdefendant, Netflix, Inc., and Defendant and Counterclaimant, Blockbuster Inc., have been diligently pursuing the claim construction process and schedule delineated by this Court in its Case Management Order of June 30, 2006 and its Claim Construction Scheduling Order of July 31, 2006. Counsel would appreciate obtaining further guidance from the Court in a brief telephonic status conference.

2. The exchange of the parties' proposed claim constructions is scheduled for October 25, 2006. Therefore, counsel would greatly appreciate it if the Court would schedule a brief telephonic conference before that date.

3. Any calls regarding this request may be directed to Ashok Ramani for Netflix (Telephone: (415) 391-5400) and Bill O'Brien for Blockbuster (Telephone: (310) 255-9033)

Respectfully submitted,

DATED: October 20, 2006 KEKER & VAN NEST, LLP

By Ashok Ramani by telephonic with express
consent

DATED: October 20, 2006 ALSCHULER GROSSMAN STEIN & KAHAN
LLP

By /S/
William J. O'Brien
Attorneys for Defendant and Counterclaimant,
Blockbuster Inc.